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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09/15/2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *06/28/2004*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   The disclosure is objected to because of the following informalities: The applicant

made an error spelling the word information, where the applicant wrote "informatioin" on

paragraph [0029].

    Appropriate correction is required.

2.   The disclosure is objected to because of the following informalities: The applicant

made an error spelling the word administrator, where the application wrote

"adminstrator" on paragraph [0046] and paragraph [0063].

    Appropriate correction is required.

3.   The disclosure is objected to because of the following informalities: The applicant

made an error spelling the word permutation, where the applicant wrote "permeatation"

on paragraph [0051].

    Appropriate correction is required.

4.   The disclosure is objected to because of the following informalities: The applicant

made an error in paragraph [0034] last line, where the applicant left a new sentence

unfinished. The examiner assumes that the applicant meant to include such unfinished

sentence at the beginning of paragraph [0035].

    Appropriate correction is required.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
> title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6.   **Claims 1 - 3, 6 - 25 and 27 - 35** are rejected under 35 U.S.C. 102(e) as being

anticipated by Thomas (Patent No 7,134,130). Hereinafter, referenced as Thomas.

Regarding **claim 1**, Thomas discloses a method of supervising personal

exposure to a consumer electronics device, the method comprising:

receiving a program signal suitable for conversion by the consumer electronics device

into user discernible information (video and audio signals that are received from a

broadcast station, column 7 lines 19-21);

receiving a viewer indicator indicative of a viewer present in a viewing area

corresponding to the consumer electronics device (a room scanner (200) that scans the

room for users and output signal (211) to indicate the presence of a viewer, column 6

lines 52-53 also exhibited on fig 3);

comparing the viewer indicator with viewer specifications to identify a viewing profile

associated with the viewer present in the viewing area (viewing criteria (216) that

specifies the material that each user has access to, column 9 lines 57-59 also exhibited

on fig 2; a user recognition input device (208) that determines which users are present

in a given area having access to the display (224), column 9 lines 51-53 also exhibited

on fig 2; a memory (220) containing information that identifies a video content type

being displayed on the display (224) and containing information about which users are

to be permitted access to that content type, column 9 lines 54-57);

receiving a content-based indicator indicative of the content of the user discernible

information (the broadcasted program includes a viewer rating, which indicates whether

a user has access to it or not based on such information, column 8 lines 4-15);

comparing the content-based indicator with content-based specifications of the viewing

profile (a processor that compares a user identity value from the input device to the

memory content specifying which users are to be permitted to access a determined

content, column 2 lines 12-18);

and generating a control signal based on the comparison between content-based

indicator and content-based specifications (a control signal (215) sent from the

decision and command processor (214) to the display controller (222) indicating

whether a user has been allowed access to a content or not, column 6 lines 57-63 also

exhibited on fig 2).

Regarding **claim 2**, Thomas discloses everything as claimed above (see claim 1); moreover, Thomas discloses a method further comprising the steps of scanning the viewing area for the presence of viewers; and generating a viewer indicator (a room scanner (200) that scans the room for users and outputting signal (211) to indicate the presence of a viewer, column 6 lines 52-53 also exhibited on fig 3).

Regarding **claim 3**, Thomas discloses everything as claimed above (see claim 2). Moreover, Thomas discloses a method comprising the step of comparing scanned images of a viewer with stored images of selected individuals (a viewing criteria (216) which included a predetermined set of stored image parameters, which are transferred to image recognition device (212) through signal (218), where the stored image is compared to the current viewer, column 7 lines 56-64 also exhibited on fig 2).

Regarding **claim 6**, Thomas discloses everything as claimed above (see claim 1). Moreover, Thomas discloses a method further comprising the steps of: receiving viewer specifications (viewing criteria (216) that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2); selecting a viewer specification corresponding to the received viewer indicator (a user recognition input device (208) that determines which users are present in a given area having access to the display (224), column 9 lines 51-53 also exhibited on fig 2); and receiving content-based specifications corresponding to the viewer specification (a memory (220) containing information that identifies a video content type being

displayed on the display (224) and containing information about which users are to be

permitted access to such content type, column 9 lines 54-57).

Regarding **claim 7**, Thomas discloses everything as claimed above (see claim

1). Moreover, Thomas discloses a method further comprising the step of extracting the

content-based indicator from the program signal (program content (220) provides a

content indication signal (219) indicative of the type of content in the program material,

column 6 lines 62-65).

Regarding **claim 8**, Thomas discloses everything as claimed above (see claim

1). Moreover, Thomas discloses a method wherein the content-based indicator and the

content-based specification is a rating (program content provides a rating, column 8

lines 4-15).

Regarding **claim 9**, Thomas discloses everything as claimed above (see claim

8). Moreover, Thomas discloses a method wherein the control signal is generated if the

content-based indicator rating exceeds the content-based specification rating (signal

(219) provides a single content type indication for the entire program content and

decision for processor (214) to block or skip questionable content, such as violent or

sexual content, hereinafter referred as questionable content, column 8 lines 52-58).

Regarding **claim 10**, Thomas discloses everything as claimed above (see claim 1). Moreover, Thomas discloses a method wherein the content-based indicator and the content-based specification is a subject matter category (a content indicator and content specification used to avoid contact of children with questionable content, from different content categories such as violent content or sexual content, column 6 lines 11-14).

Regarding **claim 11**, Thomas discloses everything as claimed above (see claim 10). Moreover, Thomas discloses a method wherein the control signal is generated if the content-based indicator category matches the selected content-based category (a control signal (215) is generated from decision and command processor (214) according to the viewing criteria (216), which will block the content if there is any indication of sexual or violent content, column 6 lines 55-67 also exhibited on fig 2).

Regarding **claim 12**, Thomas discloses everything as claimed above (see claim 1). Moreover, Thomas discloses a method further comprising the step of impairing the program signal in response to the control signal (if anyone outside the allowed set of persons is present the image and sound will be blocked, column 6 lines 60-63 also exhibited on fig 3).

Regarding **claim 13**, Thomas discloses everything as claimed above (see claim 12). Moreover, Thomas discloses a method wherein the program signal is blocked in

response to the control signal (if anyone outside the allowed set of persons is present the image and sound will be blocked, column 6 lines 60-63 also exhibited on fig 3).

Regarding **claim 14**, Thomas discloses everything as claimed above (see claim 1). Moreover, Thomas discloses a method wherein the consumer electronics device is a television system and the user discernible information comprises audio/video information (the video and audio content is a television programming, which is displayed on a television display (224), column 11 lines 20-21 also exhibited on fig 2).

Regarding **claim 15**, Thomas discloses everything as claimed above (see claim 1). Moreover, Thomas discloses a method comprising the steps of receiving timing information indicative of a reference time (real time clock (142) which times all the operations in the device, column 5 lines 39-40 also exhibited on fig 1);
and selecting a time range specification corresponding to the timing information (blocking undesirable content over those periods of time or portions of undesirable content transmitted by the broadcast company, column 8 lines 20-30).

Regarding **claim 16**, Thomas discloses everything as claimed above (see claim 15). In addition, claim 16 is a variation of claims 6 and 15. Therefore, claim 16 stands rejected for the same reasons as stated above (see claims 6 and 15) since it is inherent to the method claimed in claims 6 and 15, respectively.

Regarding **claim 17**, Thomas discloses everything as claimed above (see claim 16). In addition, claim 17 is a variation of claims 1 and 15. Therefore, claim 17 stands rejected for the same reasons as stated above (see claims 1 and 15) since it is inherent to the method claimed in claims 1 and 15, respectively.

Regarding **claim 18**, Thomas discloses everything as claimed above (see claim 15). In addition, claim 18 is a variation of claims 7 and 15. Therefore, claim 18 stands rejected for the same reasons as stated above (see claims 7 and 15) since it is inherent to the method claimed in claims 7 and 15, respectively.

Regarding **claim 19**, Thomas discloses everything as claimed above (see claim 15). Moreover, Thomas discloses a method comprising the step of generating the timing information within the consumer electronics device (real time clock (142) part of the computer system (100), which times all the processes of the device, column 5 lines 39-40 also exhibited on fig 1).

Regarding **claim 20**, Thomas discloses everything as claimed above (see claim 15). Moreover, Thomas discloses a method wherein the reference time indicated by the timing information is the current time (real time clock (142) part of the computer system (100), which times all the processes of the device, column 5 lines 39-40 also exhibited on fig 1; moreover, Thomas discloses it is a *real* time clock which indicates that it references to the current time).

Regarding **claim 21**, Thomas discloses everything as claimed above (see claim

1). Moreover, Thomas discloses a method further comprising the steps of entering a

viewer specification corresponding to a selected viewer or group of viewers (viewing

criteria (216) includes predetermined parameters used to identify a user, such as facial

features, height or hair color, column 7 lines 56-59);

and entering a content-based specification corresponding to the viewer specification

(program content (220) provides a content indication signal (219) indicative of the type

of content in the program material, where the program content (220) specifies whether

a user is allowed to watch the content , column 6 lines 62-65).

Regarding **claim 22**, Thomas discloses everything as claimed above (see claim

21). Moreover, Thomas discloses a method further comprising the step of entering a

finite time range specification corresponding the viewer and content-based

specifications (blocking undesirable content over those periods of time or portions of

undesirable content transmitted by the broadcast company, column 8 lines 20-30,

where the blocking of such content is determined by the profile of the viewer, allowing

access to content with questionable material).

Regarding **claim 23**, Thomas discloses everything claimed. In addition, claim 23 is a variation of claims 1, 6, 8 and 12. Therefore, claim 23 stands rejected for the same reasons as stated above (see claims 1, 6, 8 and 12) since it is inherent to the method claimed in claims 1, 6, 8 and 12, respectively.

Regarding **claim 24**, Thomas discloses everything as claimed above (see claim 23). In addition, claim 24 is a variation of claim 12. Moreover, Thomas discloses that the content being impaired to the viewer can be done through signal scrambling, column 8 lines 20-25, which reads on "the program signal is impaired by scrambling the program signal". Therefore, claim 24 stands rejected for the same reasons as stated above (see claim 12) since it is inherent to the method claimed in claim 12.

Regarding **claim 25**, Thomas discloses everything as claimed above (see claim 23). In addition, claim 25 is a variation of claim 13. Therefore, claim 25 stands rejected for the same reasons as stated above (see claim 13) since it is inherent to the method claimed in claim 13.

Regarding **claim 27**, Thomas discloses everything as claimed above (see claim 23). In addition, claim 27 is a variation of claims 1 and 12. Therefore, claim 27 stands rejected for the same reasons as stated above (see claims 1 and 12) since it is inherent to the method claimed in claims 1 and 12, respectively.

Regarding **claim 28**, Thomas discloses everything as claimed above (see claim 23). In addition, claim 28 is a variation of claim 2. Therefore, claim 28 stands rejected for the same reasons as stated above (see claim 2) since it is inherent to the method claimed in claim 2.

Regarding **claim 29**, Thomas discloses everything as claimed above (see claim 28). In addition, claim 29 is a variation of claim 3. Therefore, claim 29 stands rejected for the same reasons as stated above (see claim 3) since it is inherent to the method claimed in claim 3.

Regarding **claim 30**, Thomas discloses everything as claimed above (see claim 23). In addition, claim 30 is a variation of claims 7 and 8. Therefore, claim 30 stands rejected for the same reasons as stated above (see claims 7 and 8) since it is inherent to the method claimed in claims 7 and 8, respectively.

Regarding **claim 31**, Thomas discloses everything as claimed above (see claim 23). In addition, claim 31 is a variation of claim 15. Therefore, claim 31 stands rejected for the same reasons as stated above (see claim 15) since it is inherent to the method claimed in claim 15.

Regarding **claim 32**, Thomas discloses everything as claimed above (see claim 31). In addition, claim 32 is a variation of claims 6, 8 and 15. Therefore, claim 32 stands rejected for the same reasons as stated above (see claims 6, 8 and 15) since it is inherent to the method claimed in claims 6, 8 and 15, respectively.

Regarding **claim 33**, Thomas discloses everything as claimed above (see claim 32). In addition, claim 33 is a variation of claims 7, 8 and 15. Therefore, claim 33 stands rejected for the same reasons as stated above (see claims 7, 8 and 15) since it is inherent to the method claimed in claims 7, 8 and 15, respectively.

Regarding **claim 34**, Thomas discloses everything as claimed above (see claim 33). In addition, claim 34 is a variation of claim 19. Therefore, claim 34 stands rejected for the same reasons as stated above (see claim 19) since it is inherent to the method claimed in claim 19.

Regarding **claim 35**, Thomas discloses everything as claimed above (see claim 34). In addition, claim 35 is a variation of claims 21 and 22. Therefore, claim 35 stands rejected for the same reasons as stated above (see claims 21 and 22) since it is inherent to the method claimed in claims 21 and 22, respectively.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Thomas and further in view of Gang-Sik Yoon (Korean Pub No 10-2000-0033070).

Hereinafter, referenced as Yoon.

Regarding **claim 4**, Thomas discloses everything claimed above (see claim 3). In

a similar field of endeavor Yoon discloses a method comprising the step of storing

images of selected individuals (a face image acquisition part (60) acquires the face

image of each member within the viewing group, paragraph 22 also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Thomas and Yoon, for the purpose of storing

an image from each user for future reference.

Regarding **claim 5**, Thomas and Yoon disclose everything claimed above (see

claim 4). In a similar field of endeavor Yoon discloses a method comprising the step of

photographing selected individuals (the recognition part (100) takes an image of the

current viewer, paragraphs 23 also exhibited on fig 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas and Yoon, for the purpose of acquiring an image of the current user in order to recognize the identity of such, which in consequence will determine what programs that specific viewer is allowed to watch.

9.   **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas.

Regarding **claim 26**, Thomas discloses everything as claimed above (see claim 23). In addition, Thomas implicitly discloses a method wherein the selected time range specification repeats for each day of a workweek (Thomas discloses that the referenced invention repeatedly monitors all the time for persons that may be present in front of the display, column 10 lines 19-26; moreover, blocking undesirable content during the periods of time or portions that it is being displayed, column 8 lines 20-30). However, the examiner maintains that it was well known in the art at the time of the invention to not only have selected time range specification but to repeat them each workday.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to Thomas, for the purpose of providing more flexibility to the user, since it would provide the capabilities of activating the device at certain times of the day during the week.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claim 27 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 27, the applicant mentions a "second selected content-based rating", however, such element has not been disclosed on the specification as to one of knowledge in the art to understand it. Moreover, the examiner notes that for claims 23 and 32 the mentioned "first selected content-based rating" is interpreted as "selected content-based rating".
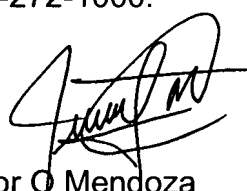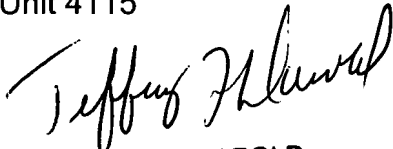
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junior O. Mendoza whose telephone number is 571-270-3573. The examiner can normally be reached on Monday - Thursday 8am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571-272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
Art Unit 4115

JM
October 11, 2007

JEFFEREY F. HAROLD
SUPERVISORY PATENT EXAMINER